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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENNETH BRISTOW, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

SUNPOWER CORPORATION, THOMAS H.
WERNER, and CHARLES D. BOYNTON,

Defendants.

Case No. 3:16-cv-04710-RS

Hon. Richard Seeborg

**STIPULATION AND ~~[PROPOSED]~~
ORDER IN SUPPORT OF
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

(Civil L.R. 3-12)

JAY PATEL, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

v.

SUNPOWER CORPORATION, THOMAS H.
WERNER, and CHARLES D. BOYNTON,

Defendants.

Case No. 3:16-cv-04915-RS

Hon. Richard Seeborg

[CAPTION CONTINUED ON NEXT PAGE]

1 BERNARD STERN, Derivatively on Behalf of
2 SUNPOWER CORPORATION,

3 Plaintiff,

4 v.

5 THOMAS H. WERNER, CHARLES D.
6 BOYNTON, ARNAUD CHAPERON,
7 BERNARD CLÉMENT, DENIS GIORNO,
8 DANIEL LAURÉ, CATHERINE LESJAK,
9 THOMAS R. MCDANIEL, HUMBERT DE
10 WENDEL, and PAT WOOD III,

11 Defendants,

12 – and –

13 SUNPOWER CORPORATION,

14 Nominal Defendant.

15 PETER MOSCONE, Derivatively on Behalf of
16 Nominal Defendant SUNPOWER
17 CORPORATION,

18 Plaintiff,

19 v.

20 BERNARD CLÉMENT, DENIS GIORNO,
21 CATHERINE LESJAK, ARNAUD
22 CHAPERON, DANIEL LAURÉ, PAT WOOD
23 III, THOMAS R. MCDANIEL, HUMBERT
24 DE WENDEL, and THOMAS H. WERNER,

25 Defendants,

26 – and –

27 SUNPOWER CORPORATION, a Delaware
28 Corporation,

Nominal Defendant.

Case No. 3:16-cv-05312-RS

Hon. Richard Seeborg

Case No. 3:16-cv-05381-RS

Hon. Richard Seeborg

[CAPTION CONTINUED ON NEXT PAGE]

1 MELVIN BRENNER, Derivatively on Behalf
2 of SUNPOWER CORPORATION,

3 Plaintiff,

4 v.

5 THOMAS H. WERNER, CHARLES D.
6 BOYNTON, BERNARD CLÉMENT,
7 LADISLAS PASZKIEWICZ, DANIEL
8 LAURÉ, CATHERINE A. LESJAK,
9 THOMAS R. MCDANIEL, PAT WOOD
III, ARNAUD CHAPERON, DENIS
GIORNO, JEAN-MARC OTERO DEL
VAL, and HUMBERT DE WENDEL,

10 Defendants,

11 – and –

12 SUNPOWER CORPORATION, a Delaware
corporation,

13 Nominal Defendant.

Case No. 5:16-cv-05988-EJD

Hon. Edward J. Davila

WHEREAS there are two shareholder class actions and three shareholder derivative actions pending in the U.S. District Court for the Northern District of California and arising out of a common set of facts. These actions are:

<u>Case Name</u>	<u>Case No.</u>	<u>Filing Date</u>
<i>Bristow v. SunPower Corp., et al.</i> (the " <i>Bristow</i> Action")	16-cv04710-RS	Aug. 16, 2016
<i>Patel v. SunPower Corp., et al.</i> (the " <i>Patel</i> Action")	16-cv-04915-RS	Aug. 26, 2016
<i>Stern v. Werner, et al.</i> (the " <i>Stern</i> Action")	16-cv-05312-RS	Sept. 16, 2016
<i>Moscone v. Clement, et al.</i> (the " <i>Moscone</i> Action")	16-cv-05381-RS	Sept. 20, 2016
<i>Brenner v. Werner, et al.</i> (the " <i>Brenner</i> Action")	16-cv-05988-EJD	Oct. 17, 2016

WHEREAS, pursuant to Civil Local Rule 3-12, plaintiff Melvin Brenner has filed concurrently herewith an administrative motion to consider whether the *Brenner* Action should be deemed related to the previously-filed *Bristow*, *Patel*, *Stern*, and *Moscone* Actions and reassigned to the Honorable Richard Seeborg;

WHEREAS the *Brenner* Action arises from the substantially similar facts and circumstances as the *Bristow*, *Patel*, *Stern*, and *Moscone* Actions;

WHEREAS it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if these cases are conducted before different judges; and

WHEREAS, defendants have not yet responded to the complaints in any of these actions;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among counsel for the undersigned parties, subject to approval of the Court, that the *Brenner* Action should be deemed related to the previously-filed *Bristow*, *Patel*, *Stern*, and *Moscone* Actions and reassigned to the Honorable Richard Seeborg.

1 Dated: November 7, 2016

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1 I, George C. Aguilar, am the ECF User whose ID and password are being used to file this
2 Stipulation and [Proposed] Order in Support of Administrative Motion to Consider Whether Cases
3 Should Be Related. In compliance with Civil L.R. 5-1(i), I hereby attest that concurrence in the
filing of this document has been obtained from each of the other signatories.

4 s/ George C. Aguilar
5 GEORGE C. AGUILAR

6 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

7 DATED: 11/9/16

8 
9 HONORABLE RICHARD SEEBORG
10 UNITED STATES DISTRICT JUDGE
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